



**MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 3, 2004, 8:00 p.m.

MEETING

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Rodriquez.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PROCLAMATION: Wear Red for Women Day

Mayor Cooper presented Tim Tividad, the Youth Market Director of the American Heart Association with a proclamation declaring Friday, February 6, 2004, as Wear Red for Women Day in recognition of the importance of the ongoing fight against heart disease and stroke. He emphasized that the "Go Red" campaign is a critical step towards raising women's awareness that heart disease is the number one killer and women should take charge of their heart by exercising, not smoking, and regular health check-ups.

PRESENTATION: Cinema Place Theater Operator

Brad Blake of Blake-Hunt Ventures announced that Century Theaters, a premiere theater operator in Northern California, would be the tenant at Cinema Place, with 12 screens and 1,800 seats. He spoke on their qualifications.

City Manager Armas stated that the new operators have shown flexibility in that they are willing to work to incorporate independent or foreign films into their programs, depending on customers.

Council Member Dowling asked about the design of the project.

Mr. Blake suggested looking at the one in downtown Walnut Creek and San Mateo, but that this one will be more similar to the one in San Mateo.

Council Member Dowling expressed concern that having one in San Leandro and one in Union City and this one being in the middle may cause Hayward's to close in the future as it occurred with Costco.

DRAFT

Mr. Blake responded that Century is investing considerably and that the lease would be for 15 years. He described this as a niche theater and confirmed that the operators are paying for their half of the building.

Council Member Henson asked if the operator was comfortable with the timeline for the building.

Mr. Blake said he has good collaboration with the operator and will help work on design. He added that they are well into the design of the project.

Council Member Hilson asked for further information on recruiting other tenants for the rest of the project.

Mr. Blake responded that once potential tenants know of this operator, it would be easier to fill the remainder of the building. This should motivate them to make a commitment. He said their objective is to have the spaces filled at completion of the project.

Business Recognition Award

The February 2004 Business Recognition Award was presented to American Draperies and Blinds. Originally founded in 1956, this business has steadily and progressively grown to emerge as one of the largest manufacturers of commercial grade window coverings in California and throughout the United States. Mr. Paul Russo, President of American Blinds, began working at the company in the late 70's and became a majority shareholder in 1991. American Blinds and Draperies has been in Hayward since 1971 and moved to its current 35,000 square foot facility in 1981. During this time, the staff has grown to 65 employees, many of them Hayward residents. The City of Hayward presented the award to American Draperies and Blinds for their many contributions to the City, including expanding their facilities in Hayward, being an industry leader, contributing to Hayward charities and organizations, and for hiring Hayward residents.

Paul Russo thanked the Council saying it is a privilege to be in Hayward. He noted that he is working on finding a new home for a firm to move to Hayward.

Mayor Cooper announced a special community exhibit during Presidents Week called, "A Tribute to American History," at the Veterans Memorial Building in San Leandro.

PUBLIC COMMENTS

Jason Moreno spoke on campaigning by unions, in particular, the police department. He also spoke on overtime costs to the City of Hayward.

Barbara Heringer-Swarr discussed the proposed parking structure and its impacts on small businesses. She also commented about a recent airport lease that was approved by Council.



MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 3, 2004, 8:00 p.m.

Frank Goulart announced that the recent Candidates' Forum that was conducted by the Neighborhood Alliance would be televised each Sunday afternoon in February, from 1:30 p.m. to 3:30 p.m.

Paige Bennett asked that the 1956 ordinance related to fence heights be revised. She asked that a focus group be formed to study this issue and raise the height limit.

Jeanne Goecker, co-founder of the Friends of the Animal Shelter, announced that a new program is starting to implement microchips in pets and animals that will be adopted. She noted that the Friends would be donating \$5 towards the \$16 fee.

Council Member Ward commented that residents are requesting a 5th Tuesday of the month Council Meeting in City neighborhoods. He said there are three remaining this year. He thought March might be too soon, but he encouraged meetings in June and November. As part of this discussion, Council Member Hilson suggested that perhaps the Council have a theme or issue rather than just an open discussion.

CONSENT

1. Approval of Minutes of the City Council Meeting of January 27, 2004

It was moved by Council Member Ward, seconded by Council Member Henson, and carried, with Council Member Jimenez absent, to approve the minutes of the City Council Meeting of January 24, 2004.

2. Authorization for Submission of Funding Application for Safe Routes to Schools Project

Staff report submitted by Deputy Director of Public Works Bauman, dated February 3, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried, with Council Member Jimenez absent, to adopt the following:

Resolution 04-016, "Resolution Authorizing Submission of a Grant Fund Application to the Safe Routes to Schools Program; Committing to Provide the Required Ten Percent Project Matching Funds; and Authorizing City Manager to Execute Documents"

HEARINGS

DRAFT

3. Vacation of Baumberg Court, West of Baumberg Avenue

Staff report submitted by Deputy Director of Public Works Bauman, dated February 3, 2004, was filed.

Public Works Director Butler made the report, noting the square footage and where property development will occur. The City of Hayward will retain easement rights for water and sewage. He then responded to questions and comments from Council Members.

Mayor Cooper opened the public hearing at 8:49 p.m.

Sherman Balch depicted his property and the neighboring parcels on a parcel map and his intentions to petition the City of Hayward to abandon the balance of that street in the near future. He showed photographs of the dumping done in the area.

Mayor Cooper closed the public hearing at 8:52 p.m.

It was moved by Council Member Henson, seconded by Council Member Dowling, and carried, with Council Member Jimenez absent, to adopt the following:

Resolution 04-017, "Resolution Vacating a Portion of Baumberg Court No Longer Required for Public Purposes"

LEGISLATIVE BUSINESS

4. Ordinance Prohibiting Wood Burning Stoves and Fireplaces

Staff report submitted by Associate Planner Pearson, dated February 3, 2004, was filed.

Associate Planner Pearson made the staff report noting that 24 cities and counties in the Bay Area have adopted similar ordinances. The ordinance would not limit the use of existing fireplaces. He responded to questions related to the certification of appliances.

Council Member Ward thanked Mayor Cooper and staff for bringing forth this ordinance. He emphasized that this does not impact any existing fireplaces in homes. This will apply only to newly constructed houses and remodeling construction on existing homes.

Staff noted that this ordinance also applies to commercial establishments.

Council Member Hilson asked about fireplace inserts that might pollute just as equally as wood burning fireplaces. He expressed concern that adjusting the reduction of the amount of air could cause further pollutants. He asked for further data on pollutants. He asked about impacts by this ordinance to future commercial restaurants.



MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 3, 2004, 8:00 p.m.

Staff would investigate the impact to commercial establishments as well as pollutant matter in the Bay Area.

City Manager Armas said staff would speak to local vendors and obtain further information to include in the adoption report.

Council Member Henson asked about new technology with regard to certified appliances.

Associate Planner Pearson stated that the EPA has not certified any fireplaces; however, northern Sonoma County has a lab that has the ability to certify fireplaces.

Council Member Henson asked what the Bay Area Air Quality District uses to monitor the Bay Area.

Mayor Cooper responded that there are monitors strategically placed in the Bay Area and checked by the EPA. She noted that this is a regional issue, and not limited to cities.

Council Member Rodriguez expressed concern for Palma Ceia homes where the fireplace warms the front room since the heating units are located in the back of the homes. Her experience using pressed logs was that they do work well.

Mayor Cooper opened the public hearing at 9:09 p.m.

Jason Moreno asked about the acceptable appliances and their specifications. He asked for the name of the catalytic converter which will cut down particulate matter.

Sheila Junge asked how this ordinance would apply to the proposed projects that have already been approved but not constructed. She also asked about power plant pollutants.

City Manager Armas stated that with Calpine, the air quality district has established rigorous standards that Calpine contributes towards improving air quality such as diesel buses. He added that the City of Hayward could look at funding such as fireplace inserts. The ordinance will become effective 30 days after adoption. He noted that it would also apply to approved projects that have not been issued building permits.

Phil Waters provided an informational brochure to staff. He spoke about the four companies that meet the current EPA compliance standards.

Mayor Cooper closed the public hearing at 9:16 p.m.

Mayor Cooper commented on her natural gas insert, which replaced her previous fireplace. There is neither smoke nor ashes to clean up, and it produces virtually no pollutants. This

ordinance will provide a cleaner environment for people. The rate of asthma has increased in children and this will alleviate some of the problems.

Council Member Henson mentioned that this is one way the City of Hayward can do its part to help reduce air pollution.

It was moved by Mayor Cooper, seconded by Council Member Ward, and carried, with Council Member Jimenez absent, to introduce the following Ordinance:

Introduce Ordinance 04-__, "Ordinance Adding Article 6 to Chapter 9 of the Hayward Municipal Code Relating to Regulating Wood-Burning Appliances"

COUNCIL REPORTS

Mayor Cooper reported on her trip, along with Council Member Rodriguez, to the Mayors' Conference in Washington D.C. She noted that there is a global attempt to try and provide influence on national policy on HIV in Africa and how that is impacting life there. She noted how children are left parentless due to this disease and the impact on their future. She felt that this was a worthwhile conference and commented that the President spoke at two of the sessions. She noted the security consciousness of Washington D.C., and also how cold it was there.

Council Member Rodriguez added that Senator Hillary Clinton also spoke and she enjoyed listening to different perspectives at this Conference.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:27 p.m., with Council Member Rodriguez closing in memory of Ann Walsh, retired secretary. Ann worked for 17 years in the City's Planning Department organizing and preparing the agenda packets for the Planning Commission meetings. Council Member Rodriguez, who also served on the Planning Commission, remembered her dedication and commented that Ann was a caring person.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward